

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor : Leroy Braun	FAX RECEIVED MAR 16 2005 OFFICE OF PETITIONS Group Art Unit: 2856 Examiner: R. Miller
Appln. No. : 10/685,240	
Filed : October 14, 2003	
Title : MULTIMEDIA FEATURE FOR DIAGNOSTIC INSTRUMENTATION	
Docket No. : M33.12-0024	

CERTIFICATION OF TELEFACSIMILE TRANSMISSION

Attn: Office of Petitions
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax No.: (571) 273-0025

73 total pages
(including this cover sheet)

I certify that the following papers are being telefacsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

1. Petition to Withdraw Application From Issue Under 37 C.F.R. 1.313(c)(2) (2 pages).
2. Request for Continued Examination (RCE) (1 page)
3. Information Disclosure Statement (2 pages)
4. References (67 pages)

KINNEY & LANGE, P.A.

Date: 3/16/05

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**PETITION TO WITHDRAW APPLICATION FROM ISSUE
UNDER 37 C.F.R. 1.313(c)(2)**

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MAR 16 2005
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The Applicants hereby Petition that the above-identified application be withdrawn from issue at the initiative of the applicant.

The Issue Fee has already been paid in this application, and a patent is scheduled to issue from this application on March 22, 2005. Thus, in order to withdraw this application from issue, a Request for Continued Examination (RCE) in compliance with 37 C.F.R. 1.114 is filed with this Petition, in accordance with the provisions of 37 C.F.R. 1.313(c)(2).

Reasons in Support of Petition for Withdrawal from Issue

Withdrawal of this application from issue is necessary to allow the Examiner to consider new prior art that was not previously cited in the patent application. This new prior art is submitted in an Information Disclosure Statement referenced in the RCE. The new prior art was brought to the attention of the Applicants in Requests for Re-examination filed on March 1, 2005 for U.S. Patent Nos. 5,811,681, 6,416,482 and 6,644,120 (the instant application claims priority from these three patents). As the subject matter of those patents is related to the subject matter of the instant application (as evidenced by the requirement for a Terminal Disclaimer in the instant application to obviate a double patenting rejection over

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Application No.: 10/685,240

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certain claims of U.S. Patent No. 6,416,482), issuing the instant application without first considering the new prior art cited in the Re-examination Requests could potentially result in a defective patent. Thus, even though the Issue Fee had previously been paid, it is appropriate for this Petition to be granted, and for the instant application to be withdrawn from issue.

Fee

The RCE filed herewith authorizes the \$130.00 fee required under 37 C.F.R. 1.17(h) to be charged to Deposit Account No.11-0982 (Deposit Account Name: Kinney & Lange, P.A.).

Respectfully submitted,

KINNEY & LANGE, P.A.

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